

# EXHIBIT I

Gregory B. Diette, M.D., MHS  
June 19, 2020

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1                   BEFORE THE ASBESTOS MDL PRE-TRIAL JUDGE  
2                   CAUSE NO. 2017-86022  
3   CRISTINA LOPEZ and CARLOS            ) IN THE DISTRICT COURT  
4   LOPEZ,                                    )  
5                   Plaintiffs,            )  
6    )  
7   VS.                                       )  
8    ) OF HARRIS COUNTY  
9   BRENNTAG NORTH AMERICA,            )  
10  INC. (Sued individually               )  
11  and as a successor                    )  
12  in-interest to MINERAL                )  
13  PIGMENT SOLUTIONS, INC.               )  
14  and as successor-in-                  )  
15  interest to WHITTAKER                 )  
16  CLARK & DANIELS, INC); et            )  
17  al.,                                     )  
18                   Defendants.            ) 11TH JUDICIAL DISTRICT  
19  
20    Transferred from  
21    CAUSE NO: 17-12-14067-ZCV  
22  
23  CRISTINA LOPEZ and CARLOS            ) IN THE DISTRICT COURT  
24  LOPEZ,                                    )  
25                   Plaintiffs,            )  
  )  
VS.                                        ) 365TH JUDICIAL DISTRICT  
  )  
BRENNTAG NORTH AMERICA,                )  
INC. (Sued individually                   )  
and as a successor                        )  
in-interest to MINERAL                    )  
PIGMENT SOLUTIONS, INC.                   )  
and as successor-in-                      )  
interest to WHITTAKER                     )  
CLARK & DANIELS, INC); et                )  
al.,                                        )  
  )  
                  Defendants.                ) ZAVALA COUNTY, TEXAS

Gregory B. Diette, M.D., MHS  
June 19, 2020

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ORAL AND TELEPHONIC DEPOSITION OF  
GREGORY B. DIETTE, M.D. MHS  
JUNE 19, 2020  
REPORTED REMOTELY  
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ORAL AND TELEPHONIC DEPOSITION OF GREGORY B.  
DIETTE, M.D. MHS, produced as a witness at the instance  
of the Plaintiff, and duly sworn, was taken in the  
above-styled and numbered cause on June 19, 2020, from  
9:02 a.m. CST to 1:26 p.m. CST, before Christy  
Cortopassi, CSR in and for the State of Texas, reported  
by machine shorthand, at the residence of Dr. Gregory  
Diette, Baltimore, Maryland, pursuant to the Texas Rules  
of Civil Procedure, the current Emergency Order  
Regarding the COVID-19 State of Disaster and the  
provisions stated on the record or attached hereto.

Gregory B. Diette, M.D., MHS  
June 19, 2020

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REMOTE APPEARANCES

FOR THE PLAINTIFFS:

MS. LEAH C. KAGAN  
MS. JENNIFER MONTEMAYOR  
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FOR THE DEFENDANTS JOHNSON AND JOHNSON AND JOHNSON AND  
JOHNSON CONSUMER, INC.:

MR. ERIC COOK  
Wilcox & Savage, PC  
440 Monticello Avenue  
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1 they're not allowed to report where there's even small  
2 numbers of people because you can sort of figure out who  
3 people are sometimes, especially with a rare condition  
4 in a particular geographical area.

5                   You are basically exposing them and --  
6 so -- and the folks for her -- these subjects here that  
7 agree or not agree to be part of that but it's unusual  
8 and potentially unethical to do that in a medical  
9 publication.

10           Q. And so it would be unethical and you would have  
11 as a medical doctor some real concerns if the  
12 individual, these 33 patients, if their identifies were  
13 actually disclosed publically?

14           A. Well, so actually disclosed and maybe there's  
15 some reason to do that but that's why we have ethics  
16 boards. Right? And that's why research goes through a  
17 process.

18                   So I don't know of anybody who's done it  
19 but you can certainly approach your ethics board and  
20 say, you know, I would like to reveal the identity of  
21 these people that I'm putting into a medical journal, is  
22 that okay.

23                   And they could say it's okay or it's not  
24 okay. And if they did, there would be an informed  
25 consent process. You know, not just signing a consent

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1 form but with a real consent process for that. So yes,  
2 this is unusual. It's not what I'm familiar with my  
3 colleagues doing routinely.

4 Q. Why is that important? Why is it important to  
5 go through that ethics board process and to get informed  
6 consent, a real informed consent before disclosing the  
7 identity of human subjects in this type of publication?

8 A. This is a medical research about a patient. We  
9 have rules about how to do human subjects for certain  
10 things and they're meant to protect the study subjects  
11 themselves and protections are at various levels  
12 depending on what the potential for harm.

13 But generally speaking, there's one of the  
14 many things that goes into thinking about preparing a  
15 report -- excuse me, about human subjects is whether or  
16 not you're going to be revealing their identity.

17 Q. Would you have that same criticism for the  
18 publication, the case areas on the 75 mesothelioma that  
19 was reported on by Drs. Emory, Creedman and Maddox?

20 A. I would, yeah. And for them, too, they  
21 actually use the word subjects. Right? They call them  
22 subjects. Now subjects, that's a term, right? Back  
23 when we were providing health care to people we call  
24 them patients.

25 When we're -- I guess you are representing

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4 LOPEZ,                                )  
5                   Plaintiff,         )  
6                                        )  
7 VS.                                    ) OF HARRIS COUNTY  
8                                        )  
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10 INC. (Sued individually            )  
11 and as a successor                 )  
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15 interest to WHITTAKER             )  
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CLARK & DANIELS, INC); et         )  
al.,                                 )  
Defendants.                            ) ZAVALA COUNTY, TEXAS  
  
REPORTER'S CERTIFICATION  
DEPOSITION OF GREGORY B. DIETTE, M.D. MHS  
JUNE 19, 2020  
REPORTED REMOTELY

Gregory B. Diette, M.D., MHS  
June 19, 2020

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1 I, Christy Cortopassi, Certified Shorthand Reporter  
2 in and for the State of Texas, hereby certify to the  
3 following:

4 That the witness, GREGORY B. DIETTE, M.D. MHS, was  
5 duly sworn by the officer and that the transcript of the  
6 oral deposition is a true record of the testimony given  
7 by the witness;

8 That the deposition transcript was submitted on  
9 \_\_\_\_\_ to the witness or to the attorney  
10 for the witness for examination, signature and return to  
11 me by \_\_\_\_\_;

12 That the amount of time used by each party at the  
13 deposition is as follows:

14 MS. LEAH C. KAGAN.....04:04  
15 MR. ERIC COOK.....00:02

16 That pursuant to information given to the  
17 deposition officer at the time said testimony was taken,  
18 the following includes counsel for all parties of  
19 record:

20 MS. LEAH C. KAGAN and MS. JENNIFER MONTEMAYOR,  
21 Attorneys for Plaintiffs  
22 MR. ERIC COOK, Attorney for Defendants  
23 JOHNSON AND JOHNSON AND JOHNSON AND JOHNSON  
24 CONSUMER, INC.

24 I further certify that I am neither counsel for,  
25 related to, nor employed by any of the parties or



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1 attorneys in the action in which this proceeding was  
2 taken, and further that I am not financially or  
3 otherwise interested in the outcome of the action.

4 Further certification requirements pursuant to Rule  
5 203 of TRCP will be certified to after they have  
6 occurred.

7 Certified to by me this \_\_\_\_\_ of \_\_\_\_\_,  
8 2020.

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13 Christy Cortopassi, Texas CSR 6222  
14 Expiration Date: 10/31/2022  
15 Firm Registration No. 343  
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